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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,982	08/21/2001	Todd Lagimonier	003636.0115	6823

7590 02/28/2008  
MANELLI DENISON & SELTER PLLC  
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Suite 700  
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EXAMINER
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PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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02/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/932,982

**Applicant(s)**

LAGIMONIER ET AL.

**Examiner**

MICHAEL PYZOSHA

**Art Unit**

2137

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: 4224/07

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-43 are pending.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/09/2007 has been entered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-43 are rejected under 35 U.S.C. 102(a) as being anticipated by Gouda et al. (Anti-Replay Window Protocol for Secure IP).

As per claims 1, 10, 19, 28, and 36, Gouda et al. discloses determining a largest nonce value yet seen from a plurality of

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nonce values of out-of-order messages (see page 311 section II); comparing a nonce value of a received message with said largest nonce value yet seen (see page 312 Case iii); comparing said nonce value to an acceptance window in response to said nonce value not exceeding said largest nonce value yet seen (see page 311 Case i and Case ii); adjusting a range of acceptable nonce values within said acceptance window, where the size of said range is based on said largest nonce value yet seen (see pages 313 and 314 section V); rejecting said received message in response to said nonce value falling outside said acceptance window (see pages 311 and 314 Case i); in a secure peer to peer communication (see Abstract).

As per claims 2, 3, 11, 13, 20, 21, 29, and 37, Gouda et al. discloses designating said nonce value as said largest nonce value yet seen in response to said nonce value exceeding said largest nonce value yet seen (see page 312 Case iii).

As per claims 4, 12, 22, 30, and 38, Gouda et al. discloses adjusting an acceptance window based on said nonce value exceeding said largest nonce value yet seen (see page 312 Case iii).

As per claims 5, 7, 14, 16, 23, 25, 32, 34, 40, and 42, Gouda et al. discloses designating said received message as a replay attack (see Abstract).

As per claims 6, 8, 15, 17, 24, 26, 33, and 41, Gouda et al. discloses comparing said nonce value to a window mask value in response to said nonce value falling within said acceptance window; rejecting said received message in response to an outcome of said comparison of said nonce value to said window mask value being true (see page 311 Case ii).

As per claims 9, 18, and 27, Gouda et al. discloses designating said nonce value as a largest nonce value seen (see page 312 Case iii).

As per claims 31 and 39, Gouda et al. discloses said secure communication module is further configured to reject said received packet in response to said nonce value falling outside said filter (see page 311 Case i).

As per claims 35 and 43, Gouda et al. discloses said secure communication module is further configured to reject said received packet in response to said nonce value fails to fall within said filter and said secure communication module is further configured to designate said received packet as part of a replay attack (see page 311 Case i and the Abstract).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status  
5 information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would  
10 like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

15 MJP

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137